
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u> 04APX-12
<input type="checkbox"/> All Child Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Residential Care Evaluator Manual Holders <input type="checkbox"/> All Evaluator Manual Holders	<u>Date Issued</u> December 2004

Subject:

2004 Chaptered Legislation
Appendix A – Community Care Facilities (Children’s Residential)

Reason For Change:

This transmits summaries of legislation chaptered in 2004 affecting Community Care Facilities (Children’s Residential). The summaries are divided into two sections as follows:

1. Immediate Action Required – Interim instructions are provided.
2. Information Only – No action required by CCLD.

An index is attached to assist staff in locating specific bills. Statutes referenced in this document became operative on January 1, 2005.

Filing Instructions:

REMOVE –

INSERT – the attached pages into Appendix A. Do not remove similar documents from the previous years.

Approved:

Original signed by B. Rooney

on 12/31/04

BARBARA ROONEY, Chief
Policy Development Bureau
Community Care Licensing Division

Date

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SUMMARY AND IMPLEMENTATION PLANS 2004 CHAPTERED LEGISLATION

CHILDREN'S RESIDENTIAL FACILITIES

GROUP HOMES	CERTIFIED FAMILY HOMES
FOSTER FAMILY HOMES	SMALL FAMILY HOMES
FOSTER FAMILY AGENCIES	CRISIS NURSERIES

BILL NUMBER/AUTHOR	SUBJECT	PAGE
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Unless otherwise noted, all new legislation becomes effective on January 1, 2005. When conducting licensing visits, LPAs should, to the extent practical, make sure that providers are aware of any new requirements. However, regardless of whether this information is provided, it is the licensee's responsibility to be aware of any new requirements affecting their program.

ACTION REQUIRED

AB 1240 (Mullin), CHAPTER 653, STATUTES OF 2004

Affects: All state and county licensed facilities

Subject: Civil Penalty Increase for Background Check Violations

Summary:

Amendments to Health and Safety Code Sections 1522, 1568.09, 1569.17, and 1596.871 increase an existing civil penalty for allowing an individual, who does not have a criminal record clearance or exemption, to work or reside in a licensed facility. The existing, immediate \$100 per individual civil penalty has been increased to an immediate \$100 per day civil penalty, for a maximum of 5 days for the first violation and a maximum of 30 days for subsequent violations.

Implementation:

These statute changes are effective immediately and licensing staff shall implement as follows:

- Prior to each licensing visit, review the facility file for any citations for allowing an individual, who does not have a criminal record clearance or exemption, to work or reside in the facility and, as is current practice, query the LIS for a list of all persons currently associated to the facility.
- At the licensing visit, if there is a person(s) (who is subject to a background check) working or residing in the facility who does not have a clearance or a criminal record exemption:
 1. Determine how long the individual has been working or residing at the facility.
 2. Cite the deficiency.
 3. Assess immediate civil penalty for the number of days that you can substantiate the individual worked or resided in the facility, up to a maximum of 5 days.
- If the licensee has been cited for this type of violation within the last 12 months, the civil penalty may continue at \$100 per day, for a maximum of **30 days**. Follow steps 1 through 3 above.

Regulations will be amended to reflect this change.

NOTE: Nothing above changes the current requirement that the individual must be removed from the facility and cannot return until he/she receives a clearance or a criminal record exemption.

ACTION REQUIRED

AB 1240 (Mullin), CHAPTER 653, STATUTES OF 2004

Affects: State and county licensed Foster Family Homes and Family Child Care Homes

Subject: Background Clearance/Exemption Transfers Between County and State Licensing Agencies

Summary:

This legislation amends Sections 1522 (h) and 1596.871(h) of the Health and Safety Code to permit the transfer of criminal record clearance and exemption information between contracting county licensing offices and between contracting counties and state licensing offices, as long as the clearance is for the same facility type. As counties only contract to license Foster Family Home and Family Child Care Homes, this new transfer authority will only impact background checks conducted for those licensing categories. Under this legislation, the Department of Justice is authorized to charge a fee for transferring the authority to receive subsequent criminal history information to the county or state licensing office that has received the transfer.

Implementation:

Instructions for the exchange of criminal history information between licensing programs and the change of authority for the receipt of subsequent criminal history information are currently being developed with the Department of Justice. An Interagency Agreement with the Department of Justice has been drafted and is expected to be implemented in January 2005. The Evaluator Manual procedures for maintenance of criminal history information will be modified to reflect the new transfer procedures. It is expected that the transfer of criminal history information will be fully implemented by February 1, 2005.

ACTION REQUIRED

AB 1858 (Steinberg), CHAPTER 914, STATUTES OF 2004

Affects: Group Homes, Foster Family Agencies, Small Family Homes, Community Treatment Facilities and Transitional Housing Placement Programs

Subject: Nonpublic, Nonsectarian Schools Serving Foster Children and Children with Exceptional Needs

Summary: This legislation makes numerous changes to the Education Code relating to requirements for nonpublic, nonsectarian schools serving children with exceptional (i.e., special educational) needs. Only three provisions have a direct impact on elements of facility operations monitored by licensing staff.

This legislation expands an existing provision in section 56366.9 of the Education Code that prohibits a facility from requiring that a child attend a nonpublic, nonsectarian school owned or operated by a licensed children's institution as a condition of placement or residency. This legislation extends that prohibition to include nonpublic, nonsectarian schools "associated with" these facilities.

This legislation also adds Education Code section 56155.7 and amends Health and Safety Code section 1501.1(b) to prohibit licensed children's institutions from requiring that a child be identified as having exceptional needs as a condition of admission or residency.

Implementation: This legislation includes an amendment to Education Code section 56366(a)(2)(C) that requires the master contract between school districts and nonpublic, nonsectarian schools to include a method for evaluating the schools' compliance with the code sections referenced in the above summary. It also includes amendments to Education Code sections 56366.1(i)(2)(3) that require the superintendent to investigate any evidence of noncompliance with the code sections referenced in the above summary and to approve a plan of correction. Under these provisions, oversight to ensure compliance with this legislation will be provided by educational authorities.

Licensing staff may issue citations to violations of Health and Safety Code section 1501.1(b) and Education Code sections 56366.9 and 56155.7 in response to complaints. Responses to complaints alleging violation of the sections referenced above should be coordinated with:

State Department of Education
Special Education Division
Procedural Safeguards Referral Services
1430 N Street, Suite 2401
Sacramento, CA 95814
Phone: 1-800-926-0648 Fax: (916) 327-3704

ACTION REQUIRED

AB 2149 (Longville), CHAPTER 833, STATUTES OF 2004

Affects: Children's Group Homes

Subject: Group Home Procedure for Responding to Neighborhood Complaints and Incidents; Distribution of Certain Group Home Incident Reports

Summary: This legislation adds Section 1524.6 to the Health and Safety Code to require children's group homes providing care for more than 6 children to provide a procedure, approved by the licensing agency, for immediate response to neighborhood incidents and complaints. This new section also requires either the owner, licensee, or the designated person to be present at the group home at a fixed time on a periodic basis, to personally investigate the matter, to give the complainant a written response within 30 days, and to provide information on how to file a complaint with the Department. The procedure must be established by July 1, 2005. This section does not apply to group homes providing care for 6 or fewer children (see Section 1524.5), certified family homes, foster family homes or small family homes.

Section 1538.5(e) was added to the Health and Safety Code to require all children's group homes to transmit, at the request of the host county, a copy of all specified incident reports that involved a response by local law enforcement or emergency services personnel to the host county designee not less than 30 days prior to the anniversary of the effective date of the license of the group home. The group home is required to redact all identifying information regarding any child and the identity and location of the placement agency of any child.

NOTE: Other portions of this legislation do not require action; see the "Information Only" section of this document.

Implementation:

- Licensing staff shall make the providers aware of these new requirements during the course of facility visits, orientations and any other contacts with group home providers.
- Beginning July 1, 2005, licensing staff shall review a GH applicant's program statement to ensure they have a neighborhood complaint policy.

Use Health and Safety Code Sections 1524.6 and 1538.5 as the citing authority, pending development of regulations.

ACTION REQUIRED

AB 2661 (Steinberg), CHAPTER 643, STATUTES OF 2004

Affects: Foster Family Agencies (FFA) and Foster Family Homes (FFH)

Subject: Reference Checks for Certified Parents and Foster Parents

Summary: This legislation adds Sections 1506.7, 1506.8 and 1506.9 to and amends Section 1536 of the Health and Safety Code to establish specific procedures for reference checks of prospective certified and foster parents by FFAs:

Section 1506.7 requires an applicant for certification by an FFA to sign an application form stating whether:

- The applicant has been certified, decertified or put on placement hold status by any FFA and, if so, to identify the FFA that took the action.
- The applicant has been approved for relative placement by a county, or licensed by the state or a county as an FFH and, if so, to identify the state or county licensing/approval office.

This section also requires the application form for certified parents to contain statements notifying them that:

- The FFA is required to check references with all FFAs that have previously certified the applicant, and with all state and county offices that have licensed the applicant as a foster parent.
- By signing the application form they are authorizing this reference check.
- By signing the application form they are declaring that the information submitted is true.
- Anyone knowingly submitting material information that is false pursuant to this section is guilty of a misdemeanor

Section 1506.8 requires FFAs to contact any county or state offices that have licensed the applicant to operate an FFH, or any FFA that has certified the applicant, and to conduct a reference check. (Note: Although the applicant is also required to disclose any history of approval for relative placement, FFAs are allowed, but not required, to contact the approving county for a reference check of relative placement histories.)

Section 1506.9 provides immunity from civil liability for FFAs that provide the department with information required in section 88061(h) of the FFA regulations. It also provides civil immunity to the department, county licensing offices and FFAs for providing information to counties and FFAs to aid in the evaluation of an applicant for certification by an FFA or licensure as a FFH.

Section 1536 was amended to require FFAs to make a concerted good faith effort to investigate their applicants. It also gives the department, county licensing offices and FFAs specific authority to request and divulge information to each other about applicants for certification, licensure as foster parents, or relative approval as necessary to conduct reference checks. This section also authorizes CCL to assess civil penalties of \$50 per day after issuing a citation to an FFA for failing to comply with the reporting requirements in Section 88061(h) of the FFA regulations. In addition, this section encourages the department to develop a database with a listing of certified and decertified homes that FFAs and counties can check for certification histories when funds become available.

Implementation: The provisions of this legislation will be incorporated into regulations. Licensing staff should not assess the civil penalties authorized by this bill until regulations have been developed and approved. Pending regulations, use Health and Safety Code (Sections 1506.7, 1506.8, 1506.9 and 1536) as the citing authority for the remaining provisions of this legislation effective January 1, 2005.

ACTION REQUIRED

SB 382 (Oller), CHAPTER 120, STATUTES OF 2004

Affects: Group Homes, Adult Residential Facility, Small Family Homes

Subject: Preventing Over-Concentration of Residential Care Facilities

Summary: This legislation amends section 1520.5 of the Health and Safety Code by clarifying the meaning of “planning authority”. It makes technical, non-substantive changes to existing law that prevents over concentration of residential care facilities in neighborhoods.

Implementation: This legislation requires the following: At least 45 days prior to approving any application for a new residential care facility, the director or county licensing agency, shall notify, in writing, the planning agency of the city, if the facility is to be located in the city, or the planning agency of the county, if the facility is to be located in an unincorporated area, of the proposed location of the facility.

Existing law allows that notification of a proposed location of a residential care facility could be given to the city or the county planning authority.

Section 3-0295 of the Evaluator Manual titled “over concentration” will be clarified.

State and County Licensing Staff should, during the licensing orientations and any other contacts with providers, make providers aware of section 1520.5 of the Health and Safety Code.

ACTION REQUIRED

SB 855 (Machado), CHAPTER 664, STATUTES OF 2004

Affects: May affect facilities licensed as Group Homes for children under 6 years of age.

Subject: This is a new licensing category designed for families experiencing a crisis or stressful situation in need of temporary care.

Summary: This legislation adds sections 1516 and 1526.8 to the Health and Safety Code establishing a new licensing category titled "Crisis Nursery." Defines crisis nursery as a facility licensed to provide short-term, 24-hour non-medical residential care and supervision for children under six years of age, who are either voluntarily placed for temporary care by a parent or legal guardian due to a family crisis or a stressful situation, for not more than 30 days or, who are temporarily placed by a county child welfare service agency for no more than 14 days.

Main Points of SB 855:

- Crisis nurseries shall be organized and shall only operate through private nonprofit corporations or nonprofit public benefit corporations.
- Sets maximum licensed capacity to 14.
- Crisis nurseries are allowed to accept limited county placements. County placements are restricted to no more than one-third of a crisis nursery's licensed capacity and shall not stay longer than 14 days unless the Department issues an exception.
- Any facility licensed on or before January 1, 2004 as a group home for children under the age of six years with a license capacity greater than 14, but less than 21, that provides crisis nursery services shall be allowed to retain its capacity if issued a crisis nursery license until the time there is a change in the licensee's program, location, or client population.
- Facilities must submit, a monthly report to the local licensing office indicating the total number of voluntarily placed children and those children placed by CWS and the length of stay for each child.
- Crisis nurseries may provide child day care services for children under the age of 6 years at the same site as the crisis nursery.
 1. A child may not receive child day care services for more than 30 calendar days in a six-month period unless the department issues an exception.
 2. A child receiving child day care services is counted in the capacity
 3. A child receiving child day care services, who is a county placement, is counted in the limitation on county placements.

- Exceptions to group home licensing regulations pursuant to subdivision (c) of Section 84200 of Title 22 of the CCR, in effect on August 1, 2004, for county-operated or county-contracted emergency shelter care facilities that care for children under the age of six years for no more than 30 days shall be contained in regulations for crisis nurseries.
- The department may issue a license only to a facility that meets one of the following conditions:
 1. The facility is operating, or has an application on file with the department to operate as of September 1, 2004, as a group home for children under six years of age in any of the following counties:
 - A. Contra Costa
 - B. Nevada
 - C. Placer
 - D. Sacramento
 - E. San Joaquin
 - F. Stanislaus
 - G. Yolo
 2. Additional facilities, pursuant to standards developed by the department by regulation, may only become licensed if it demonstrates an urgent, significant, and unmet need for temporary respite care of children under the age of six years.
 3. The facility offers temporary emergency shelter and services only to children under the age of six years who are voluntarily placed by a parent or guardian and the facility does not accept county placements.
- Use of modified staffing levels and requirements
 1. Volunteers shall be allowed to be used as caregivers.
 2. Volunteers shall be fully trained and qualified as caregivers in a crisis nursery.
 3. Volunteers shall be in good physical health and be tested for TB.
 4. Volunteers shall be fingerprint cleared and have a CACI check.
 5. Prior to assuming the duties and responsibilities of a crisis caregiver or being counted in the staff-to-child ratio, volunteers shall complete at least 8 hours of initial training divided as follows:
 - A. Four hours of crisis nursery job shadowing.
 - B. Two hours of review of community care licensing regulations.
 - C. Two hours of review of the crisis nursery program, including:
 - I. The facility mission statement,
 - II. Goals and objectives, and special needs of the client population they serve.

- a. Within 90 days, volunteers who are included in the staff-to-child ratios shall complete at least 20 hours of training divided as follows:
 - 1) 12 hours of pediatric first aid and pediatric CPR.
 - 2) 8 hours of child care health and safety issues.
- b. Volunteers who have completed a background check, CACI check, and TB but have not completed the 28 hour training, may assist a fully trained and qualified staff person in performing child care duties. However, these volunteers:
 - 1) Shall not be left alone with children.
 - 2) Shall always be under the direct supervision and observation of a fully trained and qualified staff person.
 - 3) Shall not be counted in meeting the minimum staff-to-child ratio requirements.
 - 4) The Department shall allow the use of fully trained and qualified volunteers to be counted in the staff-to-child ratio in a crisis nursery subject to the following conditions:
 - a) Volunteers are in good physical health and have been tested for TB.
 - b) Volunteers have been fingerprint cleared.
 - c) Volunteers have completed a child abuse central index check.
 - d) Volunteers have completed at least 8 hours of initial training as specified above.
 - e) There shall be at least one fully qualified and employed staff person on site at all times.

RATIOS:

- There shall be at least 1 employed staff or volunteer caregiver for each group of 3 children, or fraction thereof, from 7 a.m. to 7 p.m.
- There shall be at least 1 paid caregiver or volunteer caregiver for each group of 4 children, or fraction thereof, from 7 p.m. to 7 a.m.
- There shall be at least 1 employed staff person present for every volunteer caregiver used by the crisis nursery for the purpose of meeting the minimum caregiver staffing requirements.
- There shall be at least one staff person or volunteer caregiver awake at all times from 7 p.m. to 7 a.m.

RATES:

- To the extent federal funds are available; the Department shall set a foster care rate for crisis nurseries.
- Rate structure shall be adopted as emergency regulations.
- Until rates are established, Group Home rates shall be used.

- Volunteers shall not be included in staff-to-child ratios used in the rate level determination.
- Department shall develop emergency regulations.

SUNSET: In effect only until 1/1/08 unless repealed, deleted or extended.

Implementation:

Regulations are currently being developed on an emergency basis. Until regulations are adopted, implement citing section 1516, and 1526.8 of the Health and Safety Code as the authority along with group home under six relevant regulations. Licensing staff should inform interested crisis nursery applicants, meeting crisis nursery criteria, of these requirements. Facilities currently licensed as GH for children under six years of age and meeting crisis nursery criteria, may request waivers and exceptions to specified provisions of SB 855. Until further notice, licensing offices shall submit all crisis nursery waiver and exception requests to Children's Residential Program representative Sergio Ramirez for processing. Send requests to the attention of:

Sergio Ramirez, Regional Manager
Pacific Inland Children's Residential Program Office
3737 Main Street, Suite 600, MS 29-26
Riverside, CA 92501
(951) 782-4207

ACTION REQUIRED

SB 1104 (Committee on Budget and Fiscal Review), CHAPTER 229, STATUTES OF 2004

Affects: All Elderly Residential, Community Care (except for Foster Family Homes), and Child Day Care Facilities

Subject: Licensing Fees – EFFECTIVE August 16, 2004

Summary: This legislation amends among other statutes, Health and Safety Code Sections 1523.1, 1568.05, 1569.185, and 1596.803 to require the Department to increase existing fees and charge new fees for the purpose of financing licensing activities. This emergency legislation became effective when the bill was chaptered on August 16, 2004.

Existing application and annual fees were increased. Change in licensing location fees were increased to 50% of the application fee.

The following new fees were added:

- Corporate Status Change Fee – 50% of the application fee shall be charged when a corporate licensee changes who has the authority to select a majority of the board of directors.
- Capacity Change Fee - \$25 shall be charged when a licensee seeks to either increase or decrease the facility's licensed capacity.
- Orientation Fee - \$25 must be charged to each person attending a department-sponsored family child day care orientation and \$50 per person for all other licensing categories (except Foster Family Homes which continue to have no fee.)
- Probation Monitoring Fee – An amount equal to the annual fee shall be charged for each year a license has been placed on probation as a result of a stipulation and decision and order.
- Late Fee – 50% of the annual fee shall be charge to any licensee who fails to pay the annual licensing fee on or before the due date as indicated by postmark on the payment.
- Payment Processing (Administrative) Fees - A fee charged to cover any cost incurred by the Department shall be charged for processing payments including, but not limited to, bounced check charges, charges for credit and debit transactions, and postage due charges.
- Plan of Correction Fees - A fee of two hundred dollars (\$200) shall be charged when any licensee does not implement a plan of correction on or before the date specified in the plan.

Implementation:

Existing Fee Increase

Although the bill is self-enforcing, regulations will be amended to incorporate the new fees. In the interim, licensing staff should follow the applicable section of the Health and Safety Code to assess the **new** amounts for **existing fees** (annual, application, change in licensing location, change in corporate status and change of capacity) charged by the Department. See attached charts that list the new annual and application fees.

Licensing staff should cite the applicable Health and Safety Code if a licensee is assessed an existing fee and fails to submit payment as required.

New Orientation Fee

Licensing staff should refer to the October 1, 2004, memo from Interim Deputy Director, Martha Mills for orientation fee procedures.

Additional New Fees

The Department is determining how it will assess and collect payment processing (administrative) fees, late fees, plan of correction fees, and probation monitoring fees.

**Child Day Care Facilities
Application and Annual Fee Schedule
Effective August 16, 2004**

APPLICATION FEES

<u>Family Child Care Homes</u>	<u>Fee</u>
Small (capacity to 8 children)	\$60
Large (capacity of 9 to 14 children)	\$115

<u>Child Care Centers</u>	
<u>Capacity</u>	<u>Fee</u>
1 – 30	\$400
31 – 60	\$800
61 – 75	\$1,000
76 – 90	\$1,200
91 – 120	\$1,600
121+	\$2,000

ANNUAL FEES

<u>Family Child Care Homes</u>	<u>Fee</u>
Small (capacity to 8 children)	\$60
Large (capacity of 9 to 14 children)	\$115

<u>Child Care Centers</u>	
<u>Capacity</u>	<u>Fee</u>
1 – 30	\$200
31 – 60	\$400
61 – 75	\$500
76 – 90	\$600
91 – 120	\$800
121+	\$1,000

Residential Facilities – Application Fee Schedule
Effective August 16, 2004

All Elderly and Community Care Residential Facilities (ARF, RCFE, GH, SFH, SRF, CTF, THPP) except Foster Family Homes which have no fee.

<u>Capacity</u>	<u>Fee</u>
1 – 3	\$375
4 - 6	\$750
7 – 15	\$1,126
16 – 30	\$1,500
31 – 49	\$1,876
50 – 74	\$2,252
75 – 100	\$2,628
101 – 150	\$3,004
151 – 200	\$3,502
201 – 250	\$4,000
251 – 300	\$4,500
301 – 350	\$5,000
351 – 400	\$5,500
401 – 500	\$6,500
501 – 600	\$7,500
601 – 700	\$8,500
701+	\$10,000

Adult Day Programs

1 – 15	\$150
16 – 30	\$250
31 – 60	\$500
61 – 75	\$626
76 – 90	\$750
91 – 120	\$1,000
121+	\$1,250

Foster Family and Adoption Agencies: \$2,500

Residential Care Facility for the Chronically III (RCFCI)

1 -6	\$500
7-15	\$626
16-25	\$750
26-50	\$876
51+	\$876

Residential Facilities – Annual Fee Schedule Effective August 16, 2004

All Residential Facilities except Foster Family Homes which have no fee (ARF, RCFE, GH, SFH, SRF, CTF, THPP)

<u>Capacity</u>	<u>Fee</u>
1 – 6	\$375
7 – 15	\$563
16 – 30	\$750
31 – 49	\$938
50 – 74	\$1,126
75 – 100	\$1,314
101 – 150	\$1,502
151 – 200	\$1,751
201 – 250	\$2,000
251 – 300	\$2,250
301 – 350	\$2,500
351 – 400	\$2,750
401 – 500	\$3,250
501 – 600	\$3,750
601 – 700	\$4,250
701+	\$5,000

Adult Day Programs

1 – 15	\$75
16 – 30	\$125
31 – 60	\$250
61 – 75	\$313
76 – 90	\$375
91 – 120	\$500
121+	\$625

Foster Family and Adoption Agencies: \$1,250 (plus \$80 for each home certified by the FFA)

Residential Care Facility for the Chronically III (RCFCI)

1-6	\$250 plus \$10 per bed
7-15	\$313 plus \$10 per bed
16-25	\$375 plus \$10 per bed
26-50	\$438 plus \$10 per bed
51+	\$438 plus \$10 per bed

ACTION REQUIRED

SB 1313 (Kuehl), CHAPTER 842, STATUTES OF 2004

Affects: Child Care Facilities, Children's Residential Facilities

Subject: Child Abuse Reporting

Summary: This legislation amends various sections of the Penal Code recommended in a March 2004, report by the Child Abuse and Neglect Reporting Act (CANRA) Task Force. The CANRA Task Force included 16 various State and County department members and stakeholders to correct defects in the Child Abuse Central Index (CACI) reporting process by improving and streamlining procedures.

Following are some of the specific changes:

- Requires all community care licensing investigators to have a CACI check as a condition of employment.
- Encourages community care children's facilities that use volunteers to train them in abuse identification and reporting requirements.
- Requires community care licensees to inform their employees who are mandated reporters of their confidentiality rights under Penal Code Section 11167.
- Requires community care licensees to provide their employees with copies of Penal Code Sections 11165.7, 11166 and 11167.

Implementation:

The LIC 9108, Statement Acknowledging Requirement to Report Suspected Child Abuse is being revised to reflect the provisions required in this legislation, and will be available on the Internet January 2005. After January 1, 2005, Licensing Program Analysts should verify at the licensing visit that the correct form is being used for the facility's staff as they are hired.

ACTION REQUIRED

SB 1639 (Alarcon), CHAPTER 668, STATUTES OF 2004

Affects: Foster Family Homes, Group Homes, Foster Family Agencies, Small Family Homes, Community Treatment Facilities and Transitional Housing Placement Programs

Subject: Access to Information about Postsecondary Educational Opportunities for Foster Children

Summary: This legislation adds a new right to the existing foster children's bill of rights in section 16001.9 of the Welfare and Institutions Code. Specifically, children in foster care have the right, at age 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education"

This legislation also encourages:

- The California Community Colleges, the California State University and the University of California systems to disseminate information regarding admissions and financial aid to foster care agencies.
- The State Department of Social Services and county welfare departments to work with the Student Aid Commission, the University of California, the California State University, and the California Community Colleges to receive this information.
- The Regents of the University of California and the trustees of the California State University to explore methods of using the admissions-by-exemption category to assist the transition of foster children into four-year public institutions of higher education.

Implementation: Use the Welfare and Institutions Code Sections 16001.9(a)(23) as the citing authority if foster children ages 16 or over are denied access to information about postsecondary educational opportunities and financial aid for higher education. The Department will develop regulations to incorporate this new right into the existing personal rights regulations. The other provisions of this bill noted in the summary are informational only and require no enforcement action.

INFORMATION ONLY – NO ACTION REQUIRED

AB 1948 (Aghazarian) CHAPTER 375, STATUTES of 2004

Affects: Community Care Facilities: Group Homes

Subject: Placement of Minors

Summary: This legislation amends Sections 740 of the Welfare and Institutions Code relating to any minor who has been adjudged to be a ward of the court. The provision is as follows:

- The probation department of a receiving county that has a group home in which a minor is placed by the probation department of another county, after adjudication of the minor for any felony offense, may disclose to the sheriff of the receiving county or to the municipal police department of the city in which the group home is located;
 1. The name of the minor,
 2. The felony offense or offenses that the minor has been give a ruling on, and
 3. The address of the group home.
- The information provided by the probation department to a law enforcement agency may be provided to other law enforcement personnel for the limited law enforcement purposes described above but shall other wise remain confidential.

State and County Licensing Staff should, during the course of facility visits and any other contacts with providers, make providers aware of Section 740 of the Welfare and Institutions Code.

INFORMATION ONLY – NO ACTION REQUIRED

AB 2005 (Aghazarian), CHAPTER 656, STATUTES OF 2004

Affects: Group Home Programs

Subject: Group Home Rates

Summary: This legislation amends Sections 11462 of the Welfare and Institutions Code. The provisions are as follows:

- The Department is precluded from establishing a rate for:
 1. A new group home of a new or existing provider, or
 2. An existing group home in a new location, of an existing provider
- **Unless**, the provider submits a “Letter of Recommendation” from the host county, primary placing county, or regional consortium of counties.
- The letter of recommendation shall include all of the following:
 1. That the group home is needed by the county,
 2. That the provider is capable of operating the group home,
 3. That the provider is willing and able to accept AFDC-FC children and the level of care and services are provided to meet the needs of the children placed.
 4. That, if the “letter of recommendation” is not being issued by the host county, the primary placing county must notify the host county of its intention to issue the letter of recommendation and give the host county 30 days to respond to discuss possible options.
- Additionally, this law incorporates the changes originally proposed by SB 1104 (Budget Act of 2004) that maintains the existing group home Rate Classification Level (RCL) schedule through fiscal year 2005.

INFORMATION ONLY – NO ACTION REQUIRED

AB 2149 (Longville), CHAPTER 833, STATUTES OF 2004

Affects: Children's Group Homes

Subject: Host County and Placement Agency Access to Substantiated Complaint Information

Summary: This legislation adds Sections 1538.3 and 1538.6 to the Health and Safety Code relating to host county access to substantiated complaint information. The provisions are as follows:

- Permits host counties to develop cooperative agreements with the California Department of Social Services (CDSS) to access disclosable, public record information about substantiated complaint information from group homes (GH) located within their county from an automated system (not yet developed). It permits the database access to be accomplished through a secure online transaction protocol. It also permits the CDSS to manually provide this same information as well as copies of inspection reports resulting from substantiated complaints to host counties, upon their request, as specified.
- Permits the CDSS, when it reviews a GH's complaint record and determines there is cause for concern, to contact the host county and placement agencies in other counties using the GH and request their recommendations as to what action, if any, the CDSS should take regarding the GH provider's license.
- Specifies that the legislative intent is for the CDSS to make every effort to communicate with the host county when the CDSS does have concerns about GHs within the host county.

INFORMATION ONLY – NO ACTION REQUIRED

AB 2749 (Dutton), CHAPTER 292, STATUTES of 2004

Affects: Designated Professionals, known as mandated reporters.

Subject: Child Abuse and Neglect Investigations: Child Welfare Training Program

Summary: This legislation amends Section 11167 of the Penal Code and Section 16206 of the Welfare and Institutions Code relating to child protective services. The provisions are as follows:

- Requires any person conducting a child abuse investigation to, upon initial contact, inform the subject of the investigation of the allegations against them in a manner consistent with laws protecting their identity and civil rights.
- In order to protect the child's legal rights and safety during an investigation, it adds the legal duties of a child protective services social worker to all subjects defined as mandated reporters.
- Establishes new training requirements for mandated child abuse reporters and all members of the child welfare system.

INFORMATION ONLY – NO ACTION REQUIRED

SB 1764 (Speier), CHAPTER 259, STATUTES OF 2004

Affects: Foster Family Agency, government-funded programs that pay for health care.

Subject: Immunization Information Systems

Summary: This legislation amends Section 120440 of the Health and Safety Code, relating to immunization.

This bill would expand the entities authorized to disclose immunization information to include foster care agencies and government-funded programs that pay for health care costs. It permits these entities to disclose patient information from the client's medical record to local health departments operating immunization information systems and to the Department of Health Services. It requires foster care agencies to maintain the same level of confidentiality with this information as with any other client information they possess. Foster care agencies should only use the information to perform immunization status assessments and when the foster child is found to be due or overdue for immunizations, assist them in obtaining the immunizations. It also authorizes any party authorized to make medical decisions for a client to permit record-sharing with an immunization information system. The bill would also revise the procedures for allowing the client, parent or guardian, to refuse permission to share information.